

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 039701/0102

In re patent application of

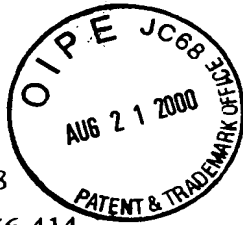
Zoltan G. TURI

Serial No. 09/154,274

Filed: September 16, 1998

Reissue of Patent No. 5,556,414

For: COMPOSITE INTRALUMINAL GRAFT



Group Art Unit: 3731

Examiner: W. Lewis

DECLARATION OF ZOLTAN TURI UNDER 37 C.F.R. § 1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Zoltan G. Turi, declare as follows:

1. I am the inventor of the subject matter claimed in reissue application Serial No. 09/154,274.
2. I am a medical doctor specializing in the field of cardiology.
3. I received a Bachelor of Science degree in Biochemical Sciences from Harvard College in 1970. I received my M.D. from Columbia University in 1974.
4. I was employed by Wayne State University from 1985 to 1999 to work in the area of invasive and interventional cardiology. I am now employed by the University of California San Diego to work in the same area of specialization.
5. I have reviewed the Office Action dated March 21, 2000 issued in connection with reissue application Serial No. 09/154,274. I have also reviewed United States Patent No. 5,522,881 ("Lentz") and United States Patent No. 3,974,526 ("Dardik"), which were cited in that Office Action.

6. Lentz discloses an assembly having a tubular conduit 12 and two stents 28.

Lentz discloses a variety of synthetic materials that can be used to make the conduit 12.

7. The synthetic materials disclosed in Lentz can be formed with sufficient rigidity to be used as the tubular conduit 12 while maintaining a shape that permits the Lentz assembly to provide a useful graft.

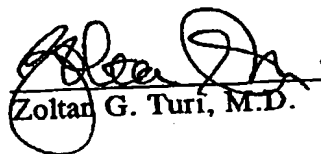
8. If tissue were used to form the conduit 12 in the Lentz assembly, I believe the portion of the tissue between the two stents 28 would collapse. Tissue requires structural support greater than the support offered by the stents 28 of Lentz.

9. If tissue between the stents 28 collapses, the Lentz assembly becomes unsuitable for its intended use. The tissue would prolapse and occlude the lumen of an artery or a vein, causing potentially serious complications.

10. For the above reasons, it is my opinion that tissue is unsuitable for use as the conduit 12 in the Lentz assembly.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed this 18th day of August, 2000 in San Diego, California.


Zoltan G. Turi, M.D.